

**FINAL**  
**Torrance County Board of Commissioners**  
**Special Commission Meeting**  
**&**  
**Public Hearing**  
**April 4, 2022**  
**9:00 AM**

**Commissioners Present:**     **RYAN SCHWEBACH – CHAIR**  
  **LEROY CANDELARIA-VICE CHAIR**  
  **KEVIN McCALL- MEMBER**

**Others Present:**               **JANICE BARELA – COUNTY MANAGER**  
  **JUAN TORRES - DEPUTY COUNTY MANAGER**  
  **JEREMY OLIVER – FINANCE DIRECTOR**  
  **JOHN BUTRICK – COUNTY ATTORNEY, VIA ZOOM**  
  **YVONNE OTERO – COUNTY CLERK**  
  **VALERIE SMITH – ADMINISTRATIVE ASSISTANT**

**1.     CALL MEETING TO ORDER**

**Chairman Schwebach:** Called meeting to order at 9:01 A.M. The Chairman explained the rules of the Public Hearing before commencement.

**2.     INVOCATION & PLEDGE**

**PLEDGE:**

**Chairman Schwebach:** Led the Pledge of Allegiance.

**INVOCATION:**



**Commissioner Candelaria:** Led the invocation.

**3. CHANGES TO THE AGENDA:**

**Chairman Schwebach:** Moved item 5 to after Item 4-A, before Item 4-B. .

**4. APPROVALS**

**A. PLANNING AND ZONING: Consider the application for Appeal to the Planning & Zoning Director's denial of second mobile home used as storage/studio for Chanta & Alyssa Woods. (Public Hearing)**

**Chairman Schwebach:** Explained how a public hearing works and what will happen. He said that it is run as a quasi-judicial proceeding, the complainants will be sworn in to present the evidence. Everything will be recorded. The information will be presented, and the appeal process and the Commission will be the decision on the findings of what Planning & Zoning has found.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to enter Public Hearing to consider the application for appeal to the Planning and Zoning Director's denial of second mobile home for use as storage and an art studio.

**Commissioner Candelaria:** Seconded the motion.

**ROLL CALL VOTE**

**Commissioner Candelaria:** Yes; **Chairman Schwebach:** Yes; **Commissioner McCall:** Absent.

**Motion Passed.**

**PUBLIC HEARING BEGINS AT 9:02 A.M.**

**The following Public Hearing has been transcribed from the audio recording of the meeting.**

**Chairman Schwebach:** Turned the proceedings over to Torrance County Deputy Manager Juan Torres.

**Deputy Manager Torres:** Yes, Mr. Chair, Commission. As you stated this is a quasi-judicial proceeding, relevant to the matter of the appeal to the Planning & Zoning directors' denial, the second mobile home used as storage and art studio. For the Woods, I will confirm that the public notice and notification was given. Mr. Guetschow? Was the proper signage placed around the property or posted correctly?

**Steve Guetschow, Planning & Zoning Director:** In these matters a sign is not required.

**Deputy Manager Torres:** That is my mistake, I apologize, because it's appealing the decision of your office, not an actual change or anything of that nature.

**Steve Guetschow:** To clarify, there was public notice published in the Albuquerque Journal as per the regulations and then public notice letters were sent to Miss Woods and the adjoining property owners. Thank you.

**Deputy Manager Torres:** Mr. Chair, Commissioner, can both of you affirm that you have no conflicts of interest or had any ex-parte communication?

**Chairman Schwebach, Commissioner Candelaria:** I can confirm.(In unison.)

**Deputy Manager Torres:** Are there any questions from anyone in the audience calling into question the Chair or the Commissioner taking place or taking this topic up today? Okay, seeing none, would anyone wishing to speak please rise and raise your right hand. (Members of the audience stood and raised their right hands.) Do you solemnly swear or affirm that the testimony you are about to give is the truth the whole truth and nothing but the truth so help you God? (Members of the audience affirmed the question.) Thank you. Okay, now we will go to the public testimony side. So the first part will be the applicant or in this case the applicant over appeal so will the Woods, please come up.

**Alyssa Woods:** I live at 21 Polo Lane, Moriarty, New Mexico.

**Madam County Manager Janice Barela:** Asked the speaker to identify herself for the record.

**Alyssa Woods:** Alyssa Woods. We bought a trailer, it's a 14' by 56'. It has no running water, no kitchen or bathroom. I do arts and crafts, and that's actually what we bought it for. It's not going to be for storage, it will be my storage for my arts and crafts and to do arts and crafts in it. All it needs is electricity. We're going to block it down and start putting a ramp on it to get in and out. And that's about it.

**Deputy County Manager Torres:** Chair, Commissioners, do you do any of you have any questions for the applicant?

**Chairman Schwebach:** Can you expand? Well, let me ask this. Can I come back and ask questions? Yes, sir. Okay, I'll hold my questions. I have

**Deputy County Manager Torres:** Do you have anything else to say at this point? You will have the right to cross examine anyone who provides testimony as well. So, at any time, just wait for them to finish and then you'll have an opportunity to speak again as well. Thank you. Any proponents, anyone speaking in favor of this? Please come to the podium and identify yourself.

**Dwayne Stahl:** My name is Dwayne Stahl live at 61 Pajarito Road. I've been the next-door neighbor of the Woods family for over 25 years. They keep their property in excellent shape. I have no objections to them setting up the studio. I have no objections to this.

**Deputy County Manager Torres:** Mr. Chair, Commission, do either of you have any questions for the proponent?

**Chairman Schwebach:** Not at this moment. like to hear both sides and then I'll start with questions.

**Deputy County Manager Torres:** Miss Woods, do you have any questions for proponent as well?

**Alyssa Woods:** No, I do not.

**Deputy County Manager Torres:** Are there any opponents in the public? (No answer from audience.) Hearing none, let's move on to the staff presentation please.

**Steve Guetschow:** (Began speaking about the presentation package, Chairman Schwebach did not have a package so one was given to him. Mr. Guetschow began his presentation again.)

In the list of the exhibits in the package under "Staff Exhibits" I only have S-1 and S-2. I have forgotten a document from Section Six of the General Provisions of the County's Zoning Ordinance and I would like to enter those as "Staff Exhibit S-3" at this point, if I may.

**Chairman Schwebach:** Sorry, proceed.

**Steve Guetschow:** Miss Woods has been given a copy of this package and the amended list of exhibits there. And I had received a call from Miss Woods to begin with, and then followed up from a phone call from CW woods. And at that time, I explained to them that the use of a mobile home structure as a storage building, it was not allowed. You're only allowed one single dwelling unit. Back in 2010, we had discovered that formally, before that time, people were allowed to use a structure or convert a mobile home into a storage building that was already existing on the lot. However, when I brought that before the P & Z Board at that time, and apparently it was an executive session, I cannot produce any of the documents from those meetings. But the board really is appalled by the issue of mobile homes being used for storage buildings, because you could not tell the difference of them between what was being used for storage and what was actually a dwelling unit. Subsequently, we started issuing on a probationary basis, permits to use a stripped out mobile home with the plumbing and the kitchen tore out of it, the axle is taken off and in the old mobile home being placed on the ground as a storage building. But in 2013, the last quarter of 2013, we had several violations of that where people who had permitted stripped out mobile homes to be used as storage structures were actually using them for human habitation purposes. In one case, it was a full-blown apartment. Another case, they used it as a living room addition to their other mobile home, etcetera. In approximately February of 2014, I brought that back to the P & Z, board's attention to report to them how using mobile homes for storage buildings have been abused. And so, they revoked that exception to the rule of one dwelling unit per lot. There again, I do not have that documentation. That was not caught in the minutes of any of those meetings. So, in 2014, that's of course when we were doing our revisions to the Ordinances at that time. And there were several meetings with the County Attorney at that time, the Zoning Ordinance Committee, and our legal representation all through that year, to go over those provisions. Unfortunately, that didn't make it into our General Provisions of our Ordinance. What is in our Ordinance, and I'll start with Section Four: Definitions of the Zoning Ordinance. The definition of "the dwelling unit means "The structure, or part of a structure, containing one or more connecting rooms designed for and occupied by no more than one family for living and sleeping purposes. Number 27 under Section Four is, "A mobile home, also known as manufactured housing, means a transportable structure, at least eight feet by 32 feet, built to be towed on its own chassis and designed to be used as a movable dwelling unit for connection to permanent utilities." And then under Section 11, the Rural Residential Zoning District in which the Woods are in. I'm sorry, there's one other portion under definitions. Number 43, "A supplemental residential dwelling unit means a secondary or axillary structure used for residential purposes on land, not within a previously approved subdivision, for use by family members or guests, and at which may not be leased or rented. And then we go to Section 11-B, Permissive Uses, "Any of the following permissive uses are allowed in this Zoning District: One singular dwelling unit per lot, subject to the provisions of Section 19 of this Ordinance." And then, Section Four-Definitions, Number 10, "A dwelling unit means a structure or part of the structure containing one or more connected rooms designed for and occupied by no more than one family for living and sleeping purposes."

Okay, sorry, my copy of the package has a lot of repeat documents. And so, in Exhibit S-3. that's from Section Six of the General Provisions of the Torrance County Zoning Ordinance, and that would be Section 6-C. Mobile Home installation. No mobile homes shall be occupied unless it is connected to adequate utilities provided with skirting of durable material if not installed at ground level and stabilized in anchor, all in accordance with the regulations promulgated by the Manufactured Housing Act of New Mexico 60-14-1 and it's sequential NMSA 1978. No mobile

home manufactured before the current Federal HUD standard. Parentheses 1976 Is this printing shall be installed anywhere in the jurisdiction of Torrance County. As noted in Section 19 F-1, "A Torrance County Mobile Home Development permit is required before any mobile home is placed on the property."

And at the time I spoke with the Woods, that mobile home was being delivered to their property. You have Staff Exhibit Two, you have the documentations regarding the public notice that includes the PO requests, or the PO issued, the ad proof from the Albuquerque Publishing Company, the voided purchase order to Column Software Incorporated which was the agency used by the Independent Newspaper out of Edgewood for the ad that was supposed to appear in March 4 and the March 11 editions. We were not informed until after March 4 that the Independent, because of their staffing and their current condition, were blocking all public notice ads and legal ads from that paper. That's why we had to postpone this hearing and for this special hearing and re-advertise in the Albuquerque Journal and then there's the additional copies of those documents. Then there's the copy of the public notice letters, the one that I sent to Chanta and Alyssa Woods, And the one that I sent to the neighboring property owners. Along with that is should be a yes, there is a copy of the assessor's parcel map showing the subject property that belongs to the woods. And the neighboring property owners the public notice letters were sent to. And then also are redacted copies of the Assessors property profile reports for the neighboring property owners for which we got the mailing address information to send those letters.

Part of the problem with that the trailer the Woods have is that Mrs. Woods didn't fully describe the condition of it. This was one of those old used construction trailer type. And the photographs that she provided in her package are the ones of her yard, apparently, where they propose to set the mobile home, and then photographs that they have taken up the interior of that mobile home. As I said, with our former problems with the exception that the board made in 2010, and the subsequent revision of that exception, as far as the enforcement of that the rule about using a mobile home structure as a storage unit, because what a mobile home is, it's a pre-engineered structure. And for a dwelling unit, or in this case, it's an office unit with doors located in specific spots to meet fire code, et cetera., and the problem we have with enforcement when people are allowed, or we're allowed to do that is we cannot tell from the street the difference between one being used for storage unit, and one being used for living purposes. And without being out there several trips and actually seen the lights on or people leaving for work in the morning from that structure. This was one of the reasons that the board had reverse their exception to that. The ability to use those because, as I stated earlier, we had several cases where people permitted them to be used as storage structures and then found people living in them after all the utilities were stripped out. And so, this is why I'm just going by the regulations. And because of the appearance of these mobile homes, we cannot tell the difference from the street. We consider them a dwelling unit because even if it is a construction trailer, some of which already have bathrooms installed, et cetera. We cannot tell the difference between them from the road what they are. So, at that point, staff will rest.

**Deputy County Manager Torres:** Commission, do you have any questions for staff?

**Chairman Schwebach:** I do have questions for staff. So just to clarify, on how we're reading the planning or ordinance is essentially if this were a storage structure that looked like a storage structure of the same dimensions, it was permitted? Am I correct in saying that?

**Steve Guetschow:** Yes. It's conventional structure, or what the current fad is, is using shipping containers for storage.

**Chairman Schwebach:** And that is no problem?

**Steve Guetschow:** We do have points where people are converting those into units as well. But you can tell the difference between a storage shipping container, or a structure built for storage from a dwelling unit. In most cases I would say, with the exception of these new "barndominiums," they call them.

**Chairman Schwebach:** I just want to be very clear that I agree there is an issue on doubling occupancy on homes that are not permitted as such areas. Because then you enter into fire problems, you enter into other problems logistically on what the County is dealing with. And so, with this case, the proposed location on the property is not an issue, if it were a storage structure, correct? It just doesn't look like a storage structure.

**Steve Guetschow:** That's correct. It looks like a mobile home.

**Commissioner Candelaria:** Okay. Is this mobile home prior to 1976? The date of it when it was manufactured.

**Steve Guetschow:** I have not seen the paperwork on it yet. The Woods did not submit an application for a development permit. They submitted their application for the appeal, which places all actions on hold until the determination by this body is made prior.

**Commissioner Candelaria:** Prior to approval, does it have to be inspected-electrical inspection done, plumbing inspection done?

**Steve Guetschow:** Correct, they would have to get a land development permit from the County. And we would confirm that there was water available based on the floor plan that they provided us, that there were proper connections to any septic system out there, that the septic system would allow for that use, because those are sized off the number of bedrooms. But we would make sure that they were in compliance with other state agencies regulations, and then the Regulation and Licensing Division, Manufactured Housing Division would do an inspection of the mobile home, they would actually issue a setup permit. And then they would do inspections that would include utility hookups, the blocking and anchoring and the skirting being properly done.

**Commissioner Candelaria:** I have one more question and that is, is there already a public system there for electric power to go to that mobile?

**Steve Guetschow:** I don't know, and it's like I said, there's not been a land development permit submitted.

**Chairman Schwebach:** So, I guess that leads me to another question. In this particular location and the proposed location of this, would it be permissible for a second dwelling on this location? With all the proper permitting and everything else.

**Steve Guetschow:** The only way is with a conditional use permit issued or approved and issued by the Planning and Zoning Board in my department for caretaking purposes, to which would be included would be, say, a family has an older family member that is still pretty much independent but they need to look out for them, or a family member, a younger one, that has medical problems that needs caretaking provisions where they are, again, they're independent enough to live in the second mobile home themselves or a nursing staff is posted there. Another one of those exceptions under that provision is a caretaker's home, managing a property for absentee landowners. Those are the provisions or the exception to that rule. Under the conditional uses for the rural residential zoning district, and if you like I can read that provision into the record.

**Chairman Schwebach:** I'm good, I'm fine. I'm just kind of curious because the question at hand is the denial to put this mobile home converted to a structure. And the reason being is the ap-

pearance of the storage unit appears to be a mobile home. So, I guess my next question for staff would be, for a mobile home to appear to be a structure, what would have to be done to it? Or a storage unit, excuse me. What would have to be done to it? We don't have any guidelines on that do we?

**Steve Guetschow:** No, we would have to fall back to-- and this goes along with a question I asked that the Woods because at the time I spoke with him on the telephone, I wasn't sure if they had agricultural property or what. And the reason for that is some ranchers and farmers, they'll take off one of the walls, whether it's, you know, only three sided, whether they use it for storage of hay, or grain, or whatever they use that for, is it an exception, or the acreage involved on agricultural properties that are 80 acres or more in size. But that wasn't the case here.

**Chairman Schwebach:** How large is this property? How big is a lot?

**Steve Guetschow:** Two and a half acres, there is a copy of that plan of record in your package there.

**Chairman Schwebach:** So, if a mobile storage unit is permissible, a storage container-

**Steve Guetschow:** A shipping container.

**Chairman Schwebach:** A shipping container-is that a permitted item?

**Steve Guetschow:** Yes, it is as an accessory structure. Those are generally placed on the ground, whether they're sitting on wood or something to hold them above or directly on the ground and anchored to it.

**Chairman Schwebach:** No further questions.

**Deputy County Manager Torres:** Mr. Chair, Commissioner, Mrs. Woods, do you have any questions for the staff? Does anyone else have any questions for staff?

**Chairman Schwebach:** I do. Not for staff, I'm sorry.

**Deputy County Manager Torres:** Mr. Chair, Commission, I guess if you have any additional questions...

**Chairman Schwebach:** I have questions for Mrs. Woods. Okay, so you stated here that I mean, this is for storage, for your arts and crafts and that sort of thing. And that's the purpose of it. Doesn't need to be heated, but you need electricity for lighting.

**Alyssa Woods:** It does have a central air and heating in it. And that's it. All I need is the light. I don't need any plumbing. There's no bathroom. No water. No nothing.

**Chairman Schwebach:** Will you be using this for more than storage, as a workshop?

**Alyssa Woods:** I'd be working in there, yes.

**Chairman Schwebach:** You'd be working in there?

**Alyssa Woods:** There would be nobody coming in and out of my property. I have a mean dog, so it would only be me in there, maybe my husband, my grandkids, but not using that personally for storage. Just craft storage to put up, set up my crafting.

**Chairman Schwebach:** Is it currently on your property, this mobile home?

**Alyssa Woods:** Yes, sir.

**Chairman Schwebach:** So, you came to the County Department before you made any move?

**Alyssa Woods:** The day that we were going to move it we talked to him and so Kayo transport transported it out to Nine-Mile Field until we figure out if we could have it.

**Chairman Schwebach:** Okay, so that picture I saw that's where it's at.

**Alyssa Woods:** No, that was my mobile home on the pictures.

**Chairman Schwebach:** So, there was one more I thought I saw it here because it appeared to be a mobile home that was- maybe I'm wrong.



**Alyssa Woods:** Now the inside of that, no that that's my neighbor's house that I think you're seeing.

**Chairman Schwebach:** Oh, so the pictures this is the actual home on the interior that we were looking at.

**Alyssa Woods:** Yes. And the electric pole on the picture, we do have an electric pole there that has electric to it. It doesn't have to go there. We sit on 2.9 acres. I can pretty much put it anywhere.

**Chairman Schwebach:** Do you have any question?

**Commissioner Candelaria:** I'm just concerned about the date of the mobile.

**Alyssa Woods:** I don't have that. I probably could step out and call my husband up. (She left the Commission room to call her husband.)

**Commissioner Candelaria:** I believe that they cannot be any older than 1976-1977. That concerns me if it's older than that.

**Alyssa Woods:** I don't know.

**Commissioner Candelaria:** So, bringing it into the County or whatever.

**Chairman Schwebach:** And what did you ask to be permitted? You came to the County with this, did you ever look for a storage unit? What did you intend on doing with it?

**Alyssa Woods:** For my crafting.

**Chairman Schwebach:** A new storage unit for crafting. That's the picture I was referring to, was this mobile home.

**Alyssa Woods:** That's not mine. That is across the street and down a couple. That was just put in; there was two of them. They came and destroyed one of them

**Chairman Schwebach:** Nobody is living in it? If you could call your husband. I have no further questions, do you?

**Deputy County Manager Torres:** Would you like to take a recess to make this phone call?

**Chairman Schwebach:** Do I need to permit anybody else to question Miss Woods?

**Deputy County Manager Torres:** Would anyone else like to question Miss Woods?

**Chairman Schwebach:** Took a break from Public Hearing so that Mrs. Woods may call her husband.

**Steve Guetschow:** When she gets her husband on the phone, he will have to be sworn in and she will have to hold her phone up against the microphone.

**Chairman Schwebach:** Called session back to order. Mr. Woods was now on the phone.

(There was some trouble with getting Mr. Woods logged into the meeting, but then he was able to be patched into the mic system.)

**Chairman Schwebach:** Mr. Woods, can you hear us?

**Chanta Woods:** Yes.

**Chairman Schwebach:** Told Mr. Woods that Deputy County Manager Torres is going to swear him in.

**Deputy County Manager Torres:** Can you raise your right hand? Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth and nothing but the truth so help you God?

**Chanta Woods:** I do.

**Deputy County Manager Torres:** Okay, you are sworn in.

**Chairman Schwebach:** Mr. Woods, a question came up. Do you know the year of manufacturing for the mobile home that's being proposed as a storage unit on your property?

**Chanta Woods:** Yes.



**Chairman Schwebach:** Proceed. What is the year of manufacturing?

**Chanta Woods:** You know what? I'm having a hard time hearing.

**Chairman Schwebach:** Can you hear me better now? What is the year of manufacturing for the proposed mobile home?

**Chanta Woods:** It's a 1990.

**Chairman Schwebach:** Okay, is there any other questions for Mr. Woods? Seeing none, Mr. Woods, thank you very much for calling in. See, now you're Zoom ready!

**Chairman Schwebach:** You can stay on the line, but we will have to mute you at this point. Mr. Candelaria, are there any questions for staff or Mr. Woods? That was my only concern is the manufacturing date of the mobile home.

**Deputy County Manager Torres:** Mr. Chair, Commission. Miss Woods, do you have any closing statements or summary to give? Mr. Chair, Commission, you can close the public hearing portion and proceed with your deliberation.

**Commissioner Candelaria:** What was the date in this hearing? When they went before the Planning and Zoning Board? Or what was the date that they went before the Planning and Zoning Board? Or they did? Or they're going through the Planning?

**Steve Guetschow:** No. They have not applied for a conditional use permit. Okay, sir. For caretaking purposes-

**Chairman Schwebach:** I'll chime in to explain this Mr. Candelaria. So, they came to the County to permit, and the permit was denied based on what we've seen. And so, their option is to appeal it. And so that superseded my practice.

**Steve Guetschow:** Pretty much what had happened is the Woods called and inquired about what they needed to do to get a land development permit. And when they explained the situation to me, I told them that they couldn't use or install that mobile home as a storage unit on their property.

**Chairman Schwebach:** And then the appeal process started?

**Steve Guetschow:** Yes.

**Commissioner Candelaria:** When was it right before the Commission that he was denied?

**Chairman Schwebach:** Never.

**Commissioner Candelaria:** Or was this the first time?

**Steve Guetschow:** Okay. Are you thinking about when we were clarifying the rules years ago with the board?

**Commissioner Candelaria:** I thought they had been denied prior to coming here.

**Alyssa Woods:** I have a question. You stated, I believe in the comment that we would have to have somebody come out and check the plumbing into the sewer and stuff. If we're not using the sewer or the water. It does not have to be connected, right?

**Steve Guetschow:** Well, that is correct. But the fact remains that it's a mobile home and a second mobile home cannot be placed on the property. That's what the regulations say. Because that mobile home is a pre-engineered dwelling unit, whether it's used for commercial office when it was constructed or for a single-family dwelling or a residence. That's what it's use was designed for. And because we cannot tell the difference from the street, that's why we don't allow that to be installed unless under caretaking provisions of the ordinance.

**Chairman Schwebach:** We'd have closing arguments from both.

**Deputy County Manager Torres:** Yes, I guess the same once again. It would come down to the applicant would like to make a closing statement or not. If not, then we can proceed to closing the public hearing portion, in which case we'll go back into open session and discover findings.

**Chairman Schwebach:** We have heard from the applicant and from staff and the public concerning the matter of the Appeal for the Planning & Zoning denial of a second mobile home used as storage/ art studio for Chanta and Alyssa Woods.

**ACTION TAKEN:**

**Chairman Schwebach:** I will make a motion to close the public hearing.

**Commissioner Candelaria:** Seconded the motion.

Roll Call Vote:

**Commissioner Candelaria:** Yes; **Chairman Schwebach:** Yes; **Commissioner McCall:** Absent.

Motion Passes.

**PUBLIC HEARING NOW CLOSED.**

**Agenda Item 4-A is next.**

Chairman Schwebach opened the floor for discussion.

**Chairman Schwebach:** It's clear that a second mobile home was not allowed. However, in this instance, that structure to accomplish what Miss Woods is wanting to accomplish, that would be done through a conditional use or a special use permit, in which case, it has potential that a plan comes up on how this structure is now modified to where there is no resemblance of a mobile home, similar to a storage unit. Is that possible through a special use permit? Do you see going by the ordinance the only provision made for that is a conditional use permit for caretaking purposes.

**Steve Guetschow:** Going by the Ordinance, the only provision made for that is a conditional use permit for caretaking purposes.

**Chairman Schwebach:** But you're not understanding the question. If it is modified into a storage unit that is undeniably seen as a storage unit from the road. Is that possible? Through a special use permit?

**Steve Guetschow:** I would have to say it depends on the modifications or if you're going to remove one of the sides, where it's definitely not going to be used for human habitation of any kind, then yes. You could. It might be possible.

**Chairman Schwebach:** It's something that has not been before planning and zoning is what I'm hearing.

**Steve Guetschow:** That is correct.

**Chairman Schwebach:** And the question at hand is whether or not the appeal should be, or the denial should be overturned by this Commission. Based on them, as I have heard, I'm going to make a motion.

**Steve Guetschow:** You know, we have a lot of honest citizens. And they plan to do what they say they're going to do. And I believe that the Woods fit into that category. It's unfortunate that there's a few residents of the County that are not so honest. And they're the ones that make it harder for everybody else that are honest. And that's why we have to enforce the provisions of the ordinance as we do. And I'll wrap up with that.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to uphold the Planning & Zoning decision for denial.

**Commissioner Candelaria:** Seconded the motion.

**Chairman Schwebach:** I would like to explain the reason for my motion. I do believe what Steve said is that your intentions are true. However, with our Planning & Zoning, we do need to uphold it for the entire County and that's why I'm making this motion for this decision. It's also why I'm asking if there's an avenue to fit both intentions, to fit that within Planning & Zoning with the structure that you were looking at, to satisfy both needs. I think I would encourage staff and Miss Woods to have that discussion on a special use permit.

**Commissioner Candelaria:** I also would like to explain my way of thinking. I respect and I appreciate your honesty coming before this Commission with what you're trying to do. I also feel that we cannot go against our written rules and regulations of Planning & Zoning. Just to go against their Planning & Zoning is not the right way to go with us. It'll look bad on us. If something else like this comes, I think Planning & Zoning and the Commission can come up with something probably further down the road. And I really appreciate your honesty that you came with because we don't see that very often. It is a breath of fresh air to get people to come here in an honest way to get things done. And I appreciate that. Thank you.

**Roll Call Vote:**

**Commissioner Candelaria: Yes; Chairman Schwebach: Yes; Commissioner McCall: Absent.**

**Motion Passes.**

Break was taken for approximately 10 minutes, then session was called back to order. Item 5-A was presented next.

**B. MANAGER: Discuss and possible action regarding Manager's request to hire an Executive Assistant to the County Manager as provided for in Torrance County Personnel Ordinance Section 4.2.B., to include setting salary.**

**Chairman Schwebach:** Opened for Discussion Item 4-B.

**Madam County Manager Barela:** Explained why she is asking for a restructuring of the Administrative Assistant position, and what her salary request is for the position. She is requesting approval to hire an Executive Assistant, the salary being a range from \$15 an hour up to \$18.50 an hour, depending on experience. The current Administrative Assistant is relocating, so they are hoping to advertise as soon as possible for the new position.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to approve the request of the County Manager to advertise for the Executive Assistant for the range of salary from minimum of \$15 per hour, up to \$18.50 per hour.

**Commissioner Candelaria:** Seconded the motion.

**Roll Call Vote:**

**Commissioner Candelaria: Yes; Chairman Schwebach: Yes; Commissioner McCall: Absent.**

**Motion Passes.**

**C. MANAGER: Discuss and possible action regarding Planning and Zoning Director's salary prior to posting position.**

**Chairman Schwebach:** Opened the floor for discussion on the item.

**Madam County Manager Barela:** Explained that there is a resignation from the current Planning & Zoning Board Director, and that since Mr. Guetschow never really asked for raises for himself, she would like to increase the salary range to get the best possible candidate in the position. The current Planning & Zoning Director's salary is sitting at \$21/hr. The other counties of comparable size in New Mexico have their Director's salaries at anywhere from \$23-\$37/hr. She requests a range of \$21-\$25 for this position.

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to post for the Planning & Zoning Director's salary and to give it a range between current salary up to \$25 per hour at the Manager's Discretion.

**Commissioner Candelaria:** Seconded the motion.

**Roll Call Vote:**

**Commissioner Candelaria: Yes; Chairman Schwebach: Yes; Commissioner McCall: Absent.**

**Motion Passes.**

## **5. EXECUTIVE SESSION**

**A. MANAGER: Personnel Matters: Pursuant to Section 10-15-1(H)(2), Discuss Limited Personnel Matters Ref.: Executive Assistant to the County Manager.**

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to go into Executive Session to discuss items 5-A: Personnel matters pursuant to Section 10-15-1(H)(2). Regarding Executive Assistant to the County Manager, and Item 5-B: Personnel Matters: Pursuant to Section 10-15-1(H)(2), Discuss Limited Personnel Matters ref.: Planning and Zoning Director.

**Commissioner Candelaria:** Seconded the motion.

**Roll Call Vote:**

**Commissioner Candelaria: Yes; Chairman Schwebach: Yes; Commissioner McCall: Absent.**

**Motion Passes.**

**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to come back into Regular Session from Executive Session.

**Commissioner Candelaria:** Seconded the motion.

**Roll Call Vote:**

**Commissioner Candelaria:** Yes; **Chairman Schwebach:** Yes; **Commissioner McCall:** Absent.

**Motion Passes.**

**Chairman Schwebach:** During our executive session, we discussed two items: Personnel matters pursuant to section 1015-1 with Executive Assistant to the County Manager and also a Planning & Zoning director, nothing else was discussed. Now, back to the agenda, going on to Item 4-B.

**B. MANAGER: Personnel Matters: Pursuant to Section 10-15-1(H)(2), Discuss Limited Personnel Matters ref.: Planning and Zoning Director.**

**6. Adjourn**

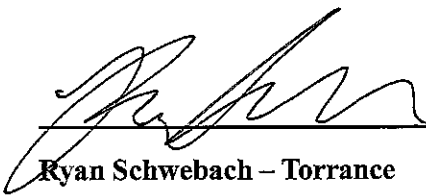
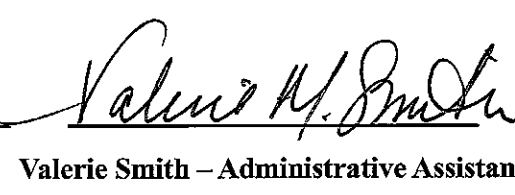
**ACTION TAKEN:**

**Chairman Schwebach:** Made a motion to adjourn

**Commissioner Candelaria:** Seconded the motion.

**Meeting adjourned at approximately 10:17 A.M.**

**Signed By:**

**Ryan Schwebach – Torrance      Valerie Smith – Administrative Assistant III,**

**County Board of Commission      Torrance County Clerk's Office**

**Chairman**

**Date: 4 / 27 / 2022**

**The Video of this meeting can be viewed in its entirety on the Torrance County NM website. Audio discs of this meeting can be purchased in the Torrance County Clerk's Office.**